

FOR THE UNITED STATES DISTRICT COURT
IN THE DISTRICT OF NEW MEXICO

ALAN H. SMITH,

Plaintiff,

v.

CIV No. 13-435 MCA/GBW

ALLEN BATTS, *et al.*

Defendants.

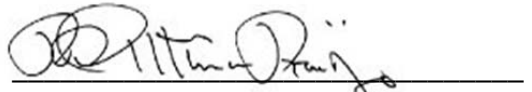
**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDED
DISPOSITIONS**

This matter comes before the Court on Plaintiff's Motions for a More Definite Statement (*docs. 47, 48*) and Defendant Ray Powell's Motion to Dismiss (*doc. 55*).

As to Plaintiff's Motions for a More Definite Statement, the Magistrate Judge filed a Proposed Findings and Recommended Disposition concluding that Plaintiff's Motions should be denied on the basis that an answer is not amenable to a motion for a more definite statement under Federal Rule of Civil Procedure 12(e). *Doc. 65* at 2. Plaintiff has not filed objections to the Magistrate Judge's Report and Recommendations. Upon a review of the record, I concur with the Magistrate Judge's findings and recommendations. Therefore, I ADOPT the Magistrate Judge's Report and Recommendations (*doc. 65*) and DENY Plaintiff's Motions (*docs. 47, 48*).

As to Defendant Ray Powell's Motion to Dismiss, the Magistrate Judge filed a Proposed Findings and Recommended Disposition concluding that Defendant's Motion should be granted on the basis that he has demonstrated he has qualified immunity from Plaintiff's suit. *Doc. 77* at 5-11. Plaintiff has not filed objections to the Magistrate Judge's Report and Recommendations. Upon a review of the record, I concur with the Magistrate Judge's findings and recommendations. Therefore, I ADOPT the Magistrate Judge's Report and Recommendations (*doc. 77*) and GRANT Defendant Powell's Motion. Plaintiff's first cause of action against Defendant Powell is DISMISSED with prejudice and the second cause of action is DISMISSED without prejudice. Defendant Powell is hereby DISMISSED from this action.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE